

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

William R. Good, III,

Appellant,

v.

Case No. 2013-REM-10-0276

Columbus Metropolitan Library,

Appellee.

ORDER

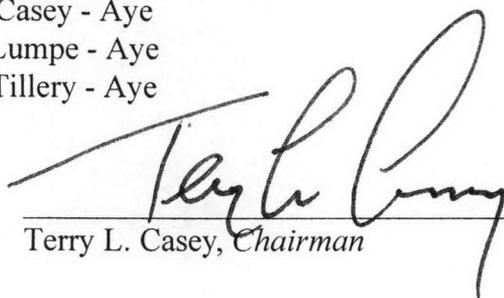
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the entirety of the record, including a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby adopts the Recommendation of the Administrative Law Judge.

Wherefore, it is hereby **ORDERED** that the appeal is **DISMISSED** for lack of jurisdiction over its subject matter, pursuant to Ohio Revised Code Sections 124.03 and 124.11 (A)(7)(b).



Casey - Aye
Lumpe - Aye
Tillery - Aye


Terry L. Casey, *Chairman*

CERTIFICATION

The State of Ohio, State Personnel Board of Review, ss:

I, the undersigned clerk of the State Personnel Board of Review, hereby certify that this document and any attachment thereto constitutes ~~(the original)~~ a true copy of the original) order or resolution of the State Personnel Board of Review as entered upon the Board's Journal, a copy of which has been forwarded to the parties this date, December 04, 2013.


Erin E. Conn
Clerk

NOTE: Please see the reverse side of this Order **or** the attachment to this Order for information regarding your appeal rights.

ENTERED
12/4/13

**STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW**

William R. Good, III,

Case No. 2013-REM-10-0276

Appellant

v.

November 13, 2013

Columbus Metropolitan Library

James R. Sprague

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration upon Appellant's October 15, 2013 filing of an appeal from his removal from his position with Appellee, Columbus Metropolitan Library (CML).

R.C. 124.11 (A) (7) (b) indicates that the unclassified civil service includes: **"The library staff of any library in the state supported wholly or in part at public expense."** (emphasis added)

The Columbus Metropolitan Library is a public library in the state. Further, the Columbus Metropolitan Library draws a significant percentage of its total funding from public sources.

We may take administrative notice that the "Public Library Fund" and "General Property Tax Levies" constituted CML's two largest sources of (non-debt) revenue during CML's 2012 Fiscal Year. (Please See ANNUAL REPORT 2012 a year in review at www.columbuslibrary.org/annual-report).

Clearly, since CML receives a significant percentage of its funding from public sources, R.C. 124.11 (A) (7) (b) places the staff of this public library in the unclassified service. As such, this Board lacks jurisdiction over such employees, pursuant to R.C. 124.03. Unfortunately, then, for Appellant, the undersigned must find that this Board lacks jurisdiction over Appellant's removal.

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Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** this appeal for lack of jurisdiction over its subject matter, pursuant to R.C. 124.03 and R.C. 124.11 (A) (7) (b).

A handwritten signature in cursive script, reading "James R. Sprague", written over a horizontal line.

James R. Sprague
Administrative Law Judge

JRS: